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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,702	05/17/2001	Kwok Ho Chan	2204/A87	4127
34845	7590	02/11/2005	EXAMINER	
STEUBING AND MCGUINESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			TAYLOR, NICHOLAS R	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/859,702	CHAN, KWOK HO
	Examiner	Art Unit
	Nicholas R Taylor	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 May 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Because new grounds of rejection are being applied against substantively unamended claims, this action is NON-FINAL.
2. Claims 1-20 have been examined and are rejected.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 8, 9, 11, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cisco white paper "COPS for RSVP" and Gai et al. (US Patent 6,167,445.)

6. As per claims 1, 8, and 14, "COPS for RSVP" teaches a method of a computer network in establishing communication between a first network device and a second

network device, the network including a policy device that controls policy data relating to the communication, ("How COPS for RSVP Works" section and Fig 1.)

"COPS for RSVP" further teaches receiving with the third network device a confirmation message sent by the second network device in response to the communication request message, the confirmation message indicating that the second network device is prepared to have communications with the first network device; and forwarding from the third network device to the first network device the confirmation message ("How COPS for RSVP Works" paragraph and Fig 1.)

"COPS for RSVP" fails to teach storing policy data in a storage device accessible by a third network device, the policy data being:

- (i) provided by the policy device in response to a communication request message from the first network device to the second network device, and
- (ii) specifically related to communication between the first network device and the second network device.

Also, forwarding this stored policy data to the first network device.

Gai teaches a third network device that applies and forwards policy data (Gai, column 10, lines 12-35 and figure 5) that it has stored after receiving from a policy server (Gai, column 17, lines 50-63.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined "COPS for RSVP" and Gai to provide the storing and policy forwarding of Gai in the system of "COPS for RSVP," because doing so would allow each dissimilar intermediate network device to configure its corresponding traffic management components and mechanisms to

implement the high-level policies that are selected (Gai, column 6, lines 16-26.)
Hereafter the combination of "COPS for RSVP" and Gai is referred to as COPS-Gai.

7. As per claims 4 and 17, COPS-Gai teaches the system further comprising marking data traffic directed from the first network device to the second network device according to the stored policy (Gai, column 10, lines 12-35, column 17, lines 50-63, and figure 5.)

8. As per claims 2, 9, and 15, COPS-Gai teaches the system further wherein the network devices are executing the RSVP protocol (COPS, "Feature Overview" paragraph, "How COPS for RSVP Works" paragraph and Figure 1.)

9. As per claims 5, 11, and 18, COPS-Gai teaches the system further wherein the policy device uses Common Open Policy Service (COPS) protocol (COPS, "Feature Overview" paragraph, "How COPS for RSVP Works" paragraph and Figure 1.)

10. Claims 3, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of the Cisco white paper "COPS for RSVP" and Gai et al. (US Patent 6,167,445), further in view of "Internet Group Management Protocol, Version 2" (Hereinafter, "IGMP".)

11. COPS-Gai teaches the above, yet fails to teach the system further wherein the network devices are executing the IGMP Protocol. "IGMP" teaches the use of the IGMP protocol. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined COPS-Gai and "IGMP" to provide the IGMP protocol support of "IGMP" in the system of COPS-Gai, because doing so would allow IGMP traffic on the network, for purposes such as "signaling for access control to a multimedia distribution networked" (as stated in "IGMP".)

12. Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of the Cisco white paper "COPS for RSVP" and Gai et al. (US Patent 6,167,445), further in view of "An Architecture for Differentiated Services" (Hereinafter, "ADS").

13. COPS-Gai teaches the above, yet fails to teach the system further wherein the stored policy data includes a Differentiated Services Code Point (DSCP) marking. "ADS" teaches DSCP marking.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined COPS-Gai and ADS to provide the DSCP marking of "ADS" in the system of COPS-Gai, because doing so would allow the router a means to mark the information in its path state (as stated in "ADS".)

14. Claims 7, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of the Cisco white paper "COPS for RSVP" and Gai et al. (US Patent 6,167,445), further in view of "Standards Watch: 802.1p – A Start at Ethernet Prioritization" (Hereinafter, "802.1p".)

15. COPS-Gai teaches the above, yet fails to teach the system further wherein the stored policy data includes an 802.1p signaling marking. "802.1p" teaches the 802.1p signaling marking.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined COPS-Gai and "802.1p" to provide the 802.1p signaling marking of "802.1p" in the system of COPS-Gai, because doing so would allow the router to mark the information in its path state (as stated in "802.1p".)

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes US Patents 6,286,052 and 5,870,561.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER